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IDENTICAL LETTERS DATED 6 APRIL 1991 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED RESPECTIVELY TO THE SECRETARY-GENERAL AND THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to enclose the text of a letter dated 6 April 1991 addressed to you by the Minister for Foreign Affairs of the Republic of Iraq.

I should be grateful if you would have the text of this letter and its annex circulated as a document of the Security Council.

(Signed) Abdul Amir A. AL-ANBARI
Ambassador
Permanent Representative

Annex

Identical letters dated 6 April 1991 from the Minister for Foreign Affairs of the Republic of Iraq addressed respectively to the Secretary-General and the President of the Security Council

I have the honour to inform you that the Iraqi Government has taken note of the text of Security Council resolution 687 (1991), the authors of which are the first to recognize that it is unprecedented in the annals of the Organization, and wishes, before stating its official position, to make a number of fundamental comments regarding certain concepts and provisions contained therein:

I. While in its preamble the resolution reaffirms that Iraq is an independent sovereign State, the fact remains that a good number of its iniquitous provisions impair that sovereignty. In fact, the resolution constitutes an unprecedented assault on the sovereignty, and the rights that stem therefrom, embodied in the Charter and in international law and practice. For example, where the question of boundaries is concerned, the Security Council has determined in advance the boundary between Iraq and Kuwait. And yet it is well known, from the juridical and practical standpoint, that in international relations boundary issues must be the subject of an agreement between States, since this is the only basis capable of guaranteeing the stability of frontiers.

Moreover, the resolution fails to take into account Iraq's view, which is well known to the Council, that the provisions relating to the boundary between Iraq and Kuwait contained in the "Agreed Minutes Between the State of Kuwait and the Republic of Iraq Regarding the Restoration of Friendly Relations, Recognition and Related Matters" dated 4 October 1963 have not yet been subjected to the constitutional procedures required for ratification of the Agreed Minutes by the legislative branch and the President of Iraq, thus leaving the question of the boundary pending and unresolved. The Council has nevertheless imposed on Iraq the line of its boundary with Kuwait. By acting in this strange manner, the Council itself has also violated one of the provisions of resolution 660, which served as the basis for its subsequent resolutions. In its paragraph 3, resolution 660 calls upon Iraq and Kuwait to resolve their differences through negotiation, and the question of the boundary is well known to be one of the main differences. Iraq officially informed the Council that it accepted resolution 660 and was prepared to apply it, but the Council has gone beyond this legal position, contradicting its previous resolution, and adopted an iniquitous resolution which imposes on Iraq, an independent and sovereign State and a Member of the United Nations, new conditions and a boundary line which deprive it of its right to establish its territorial rights in accordance with the principles of international law. Thus the Council is also depriving Iraq of its right to exercise its free choice and to affirm that it accepts that boundary without reservation. Where the question of the boundary is concerned, the Council resolution is an iniquitous resolution which constitutes a dangerous precedent, a first in the annals of the international Organization and - as some impartial members of the Council indicated in their statements when the resolution was voted on - an assault on the sovereignty of States.

It is also to be noted that the United States of America, the author of the draft resolution on which resolution 687, which imposes a solution to the boundary-related and other differences between Iraq and Kuwait, was based, refuses to impose any solution whatsoever on its ally, Israel, in accordance with conventions, United Nations resolutions and international law.

Furthermore, the United States of America is preventing the Security Council from assuming the responsibilities incumbent upon it with respect to the Arab-Zionist conflict, the Israeli policy of annexation of the occupied Arab territories, the establishment of settlements, the displacement of populations and the disregard for the rights of the Palestinian people and the neighbouring Arab countries, by vetoing any draft resolution approved by the remaining members of the Council, for the simple reason that Israel does not want a resolution which favours a just settlement of the conflict.

II. Iraq's position with regard to the prohibition of chemical and bacteriological weapons is clear. It is indeed a party to the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva in 1925. In a statement issued in September 1988, Iraq reiterated its attachment and adherence to the provisions of that Protocol. It also participated in the Conference of States Parties to the 1925 Geneva Protocol and Other Interested States, held at Paris from 7 to 11 January 1989, and signed the Declaration issued by the participating States. On that occasion, Iraq took a position which was unanimously shared by all the Arab countries, namely that all weapons of mass destruction, including nuclear weapons, must be eliminated from the Middle East region.

Iraq is also a party to the Treaty on the Non-Proliferation of Nuclear Weapons, of 1 July 1968. As the many reports of the International Atomic Energy Agency confirm, it is applying all the provisions of the Treaty. The Security Council resolution obliges only Iraq, and it alone, to undertake the destruction of the non-conventional weapons left to it after the heavy destruction inflicted both on these weapons and on the related installations by the military operations launched against Iraq by the 30 countries of the coalition. It does not deprive the other countries of the region, particularly Israel, of the right to possess weapons of this type, including nuclear weapons. Moreover, the Council has ignored its resolution 487 (1981), which calls on Israel to place all its nuclear facilities under international safeguards, and has not sought to ensure the implementation of that resolution in the same way as it is now seeking to impose the position it has taken against Iraq. It is thus clear that a double standard is being applied with respect to the elimination of weapons of mass destruction in the region, and an attempt being made to disrupt the military balance there, and this is, all the more apparent in that Iraq has not had recourse to weapons of this type.

The application of this provision of the resolution cannot but seriously endanger the regional balance, as indeed was confirmed by certain impartial members of the Security Council in their statements when the resolution was voted upon. There can be no doubt that Israel, an expansionist aggressor country which is occupying the territory of neighbouring countries, usurping the right of the

Palestinian Arab people against which it daily commits the most horrible atrocities, and refusing to comply with the resolutions of the Security Council, which it holds in contempt, as well as all the resolutions of the international Organization, will be the first to benefit from this imbalance.

Whereas the resolution emphasizes the importance of all States adhering to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons, of a Convention on the Universal Prohibition of Chemical Weapons being drafted and of universal adherence thereto, it makes no mention whatsoever of the importance of universal adherence to the convention banning nuclear weapons or of the drafting of a convention on the universal prohibition of such weapons in the region. Instead, it emphasizes the importance of instituting a dialogue among the States of the region with a view to achieving a so-called balanced and comprehensive control of armaments in the region.

Proof of the resolution's biased and iniquitous nature is afforded by the Council's use of what it terms unprovoked attacks using ballistic missiles as grounds for calling for the destruction of all ballistic missiles with a range greater than 150 kilometres and of all repair and production facilities. The term unprovoked attacks is used of attacks against Israel, a country which itself launched an unprovoked attack in 1981, destroying Iraqi nuclear installations which were used for peaceful purposes and were under international safeguards. In this connection, the Security Council considered in its resolution 487 (1981), adopted unanimously, that that attack constituted a serious threat to the entire safeguards regime of the International Atomic Energy Agency, which is the foundation of the Treaty on the Non-Proliferation of Nuclear Weapons.

It should be pointed out as well that the Council had also considered in the same resolution that Iraq was entitled to appropriate redress for the destruction it had suffered. The Council has to date taken no steps for the implementation of that resolution, whereas it imposes particularly severe and iniquitous terms and mechanisms when it comes to the redress referred to in resolution 687 (1991), without taking into account even the basic humanitarian needs of the Iraqi people.

III. Furthermore, Iraq's internal and external security has been and remains seriously threatened, in that continuing efforts are being made to interfere, by force of arms, in the country's internal affairs. Thus the measures taken by the Council against Iraq to deprive it of its lawful right to acquire weapons and military matériel for defence directly contribute to the intensification of these threats and to the destabilization of Iraq, thus endangering the country's internal and external security and hence peace, security and stability throughout the region.

IV. Whereas the Council resolution provides for mechanisms for obtaining redress from Iraq, it makes no reference to Iraq's rights to claim redress for the considerable losses it sustained and the massive destruction inflicted on civilian installations and infrastructures as a result of the abusive implementation of resolution 678 (1990), which were testified to by the delegation sent by the Secretary-General which visited Iraq recently, and have been referred to by the President of a permanent member of the Security Council (Soviet President Mikhail Gorbachev) and by all impartial observers who have seen with

their own eyes the consequences of the military operations launched against Iraq. The Council has not explained to world public opinion and the conscience of mankind what the relationship is between its resolution 678 and the deliberate destruction of Iraq's infrastructure - generating stations, water distribution networks, irrigation dams, civilian bridges, telephone exchanges, factories producing powdered milk for infants and medicines, shelters, mosques, churches, commercial centres, residential neighbourhoods, etc. Moreover, the resolution authorizes third parties to claim compensation from Iraq for damage that may have been caused to them, even when such damage resulted from unfulfilment of their commitments to Iraq immediately following the adoption of resolution 661.

Further evidence of the resolution's biased and iniquitous nature is that it holds Iraq liable for environmental damage and the depletion of natural resources, although this liability has not been established; on the other hand, it makes no mention of Iraq's own right to obtain compensation for the established facts of damage to its environment and depletion of its natural resources as a result of more than 88,000 tons of explosives, or for the destruction of water distribution networks, generating stations and the road network, which has spread disease and epidemics and caused serious harm to the environment.

These provisions partake of a desire to exact vengeance and cause harm, not to give effect to the relevant provisions of international law. The direct concrete consequences of their implementation will affect the potential and resources of millions of Iraqis, and deprive them of the right to live in dignity.

V. After imposing compulsory and universal sanctions against Iraq by adopting resolution 661 (1990) in consequence, according to it, of Iraq's refusal to comply with the provisions of resolution 660 (1990), the Council has maintained most of them in force despite Iraq's acceptance of all the Council's resolutions and the implementation of a good number of their provisions. The Council resolution provides for the progressive lifting of sanctions over an unspecified period, thus leaving broad discretionary authority to certain influential members of the Council which have drawn up the Council's resolutions in an arbitrary manner in order to impose them for political purposes which bear no relation to the Charter or to international law.

In essence, this procedure means that the Council has contradicted the initial resolution under which it imposed sanctions against Iraq, and moreover has not taken account of the offensive launched against Iraq, whereas the interests of the other parties have been taken into account, despite their wealth and their considerable resources.

VI. The Council does not deal clearly and directly with the question of withdrawal of the foreign forces occupying part of Iraqi territory, although the resolution declares a formal cease-fire.

The very conditions invoked in support of the declaration of a formal cease-fire also necessitate the withdrawal. The fact that the withdrawal is not explicitly mentioned is tantamount to authorizing the occupation of Iraqi territory for a period whose duration is at the discretion of the occupying countries, which

make no secret of their intention to exploit the occupation for political purposes and to make use of it as a trump card in their hand. This position on the part of the Council constitutes a flagrant violation of Iraq's sovereignty, independence and territorial integrity, and cannot be justified by any provision of resolution 678 (1990). Under this same selective, premeditated and totally unjustifiable approach, the resolution stipulates that the observer forces will be deployed in Iraq to a distance of 10 kilometres from the boundary, and only five kilometres into the territory of the other party, despite the fact that the terrain in the region is flat everywhere, with no relief features that would justify this difference of treatment.

VII. Numerous mechanisms are envisaged which will necessitate consultation in the context of the implementation of the resolution's provisions, but the resolution is not at all clear about Iraq's participation in these consultations. The fact that Iraq is concerned to the highest degree in the application of the resolution makes its effective participation in all consultations bearing on the implementation of these provisions essential. However, the Council has once again opted for an arbitrary and inequitable method.

The questions raised in the resolution and discussed in the foregoing preliminary comments constitute, in substance, an injustice, a severe assault on the Iraqi people's right to life and a flagrant denial of its inalienable rights to sovereignty and independence and its right to exercise its free choice.

In practice, the provisions of the resolution embodying the criteria of duality in international relations and the application of a double standard to questions of the same kind hold Iraq and its population hostage to the designs harboured by certain Powers to take control of their resources, set quotas for their food and clothing needs, and deprive them of their right to live in dignity in the modern society to which they aspire.

Such injustices and such assaults on the rights of a member country of the United Nations and its people cannot under any circumstances be in conformity with the purposes and objectives of the Charter. The Council had a duty to discuss the issues before it with objectivity and in accordance with the provisions of international law and the principles of justice and equity.

By adopting this unjust resolution and by this selective treatment of the Iraqi people, the Council has merely confirmed the fact that we have never ceased to emphasize, namely that the Council has become a puppet which the United States of America is manipulating in order to achieve its political designs in the region, the prime objective being to perpetuate Israel's policy of aggression and expansion, despite the empty words about peace and justice in the Middle East uttered by one or another of the Council members which voted for this resolution.

It could not be more clear to all men of honour and justice that these iniquitous and vengeful measures against Iraq are not a consequence of the events of 2 August 1990 and the subsequent period, for the essential motive underlying these measures stems from Iraq's rejection of the unjust situation imposed on the Arab nation and the countries of the region for decades, a situation which has

enabled Israel, a belligerent Power heavily armed with the most modern and fearsome conventional weapons and with weapons of mass destruction, including nuclear weapons, to exercise hegemony in the region. This reality confirms what Iraq had stated before the events of 2 August 1990, namely that it was the target of a plot aimed at destroying the potential it had deployed with a view to arriving at a just balance in the region which would pave the way for the institution of justice and of a lasting peace.

It is unfortunate that States whose intention was not in any way to help the United States of America and Israel attain their objectives should involuntarily have contributed to their attainment by voting for this iniquitous resolution.

As Iraq makes its preliminary comments on the juridical and legal aspects of this resolution, so as to encourage men of conscience in the countries members of the international community and world public opinion to make an effort to understand the truth as it is and the need to ensure the triumph of justice, it has no choice but to accept this resolution.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Ahmed HUSSEIN
Minister for Foreign Affairs
of Iraq